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6 ROGER BROWN

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 ROGER BROWN,

15 Defendant.  
16

Case No. 1:19-po-00016-SAB

**STIPULATION TO MODIFY  
TERMS OF PROBATION PURSUANT  
TO 18 U.S.C. § 3563; AND  
ORDER**

17 The parties, through their respective attorneys, submit this stipulation to modify the terms  
18 of Roger Brown's probation.

19 1. On January 16, 2020, this Court sentenced Roger Brown to a term of  
20 unsupervised probation, set to expire on January 15, 2021. ECF No. 12. As a condition of  
21 probation, the Court ordered Mr. Brown to "participate, attend, and complete an inpatient drug  
22 treatment program." *Id.* By stipulation, Mr. Brown's term of probation is now set to expire on  
23 May 31, 2021. ECF No. 19.

24 2. Mr. Brown is 65 years old and suffers from hypertension, type 2 diabetes,  
25 neuropathy, and a history of smoking.

26 3. Given Mr. Brown's vulnerable medical state and the risks posed by communal  
27 living during the ongoing COVID-19 pandemic, the parties ask that the Court permit Mr. Brown  
28 to receive and participate in programming at the Center, an outpatient recovery program located

1 in Los Banos, California. According to the program materials, the Center is an outpatient  
2 substance abuse treatment program that employs certified counselors and licensed practitioners  
3 to provide direct services to its patients.

4 4. The parties stipulate and request, pursuant to 18 U.S.C. § 3563(c) and Federal  
5 Rule of Criminal Procedure 32.1(c) that the Court modify the Defendant's conditions of  
6 probation to permit Mr. Brown to satisfy the drug abuse treatment component of his supervision  
7 with full participation in the out-patient treatment program provided by the Center.

8 5. Defendant joins in this request, and expressly waives any right to further hearing  
9 on this issue pursuant to Federal Rule of Criminal Procedure 32.1(c)(2)(A).

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12  
13 Respectfully submitted,

14  
15 HEATHER E. WILLIAMS  
Federal Defender

16 Date: January 15, 2021

/s/ Matthew Lemke

17 MATTHEW LEMKE  
Assistant Federal Defender  
Attorney for Defendant  
18 ROGER BROWN  
19

20 MCGREGOR W. SCOTT  
United States Attorney

21 Date: January 15, 2021

/s/ William Taylor

22 WILLIAM TAYLOR  
Assistant United States Attorney  
23 Attorney for Plaintiff  
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**ORDER**

The Court hereby orders that Roger Brown may satisfy the substance abuse treatment component of his probation by fully participating in the out-patient drug abuse treatment program provided by the Center, located in Los Banos, California.

The defendant is order to appear for a probation review hearing on May 20, 2021 at 10:00 a.m .

The defendant is also ordered to file a status report 14 days prior to the May 20 probation review hearing.

IT IS SO ORDERED.

Dated: **January 21, 2021**

  
UNITED STATES MAGISTRATE JUDGE